

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Sophal Buy, Daniel Dixon, and Michele Simpson,
Plaintiffs,
v.
HMSHOS^t Corporation and Host International, Inc.,
Defendants.

2:15-cv-00628-JAD-VCF

**Order Denying Motion to Dismiss as
Moot Due to Amended Complaint
[#3]**

Plaintiffs Sophal Buy, Daniel Dixon, and Michele Simpson filed this action against their employers on April 6, 2015, claiming that their conditions of employment at various food-service locations in North Carolina and Nevada airports violated the Fair Labor Standards Act.¹ Fourteen days after the defendants moved to dismiss their claims,² the plaintiffs filed an amended complaint.³

Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure permits parties to amend their complaints once as a matter of course within 21 days of a motion to dismiss.⁴ Plaintiffs' amended complaint was timely filed as of right. Once filed, an amended pleading supersedes the original pleading in its entirety, mooting a motion to dismiss the original pleading. *See Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997).

Accordingly, the defendants' motion to dismiss **[Doc. 3] is DENIED** as moot and without prejudice.

Dated May 27, 2015.



Jennifer A. Dorsey
United States District Judge

¹ Doc. 1.

² Doc. 3.

³ Doc. 7.

⁴ Fed. R. Civ. P. 15(a)(1)(B).